IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 12TH FEBRUARY 2007 / 23RD MAGHA 1928

Crl.Rev.Pet.No.500 of 2007

CRL.A.58/2005 OF THE COURT OF THE ADDITIONAL DISTRICT & SESSIONS (AD HOC-I), PATHANAMTHITTA.

C.C.378/2003 OF THE COURT OF THE JUDICIAL I CLASS MAGISTRATE-II, PATHANAMTHITTA.

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REVISION PETITIONER: APPELLANT/ACCUSED:-

SREEKUMAR.S.,
S/O.C.K.SASHANKAN NAIR, NEDUMPURATHU VEEDU,
NJAKKUNILAM, VALLICODE VILLAGE, KOZHENCHERY TALUK,
PATHANAMTHITTA DISTRICT.

BY ADV. SRI.T.H.ABDUL AZEEZ
SRI.T.S.ABDUL VAHAB
SRI.P.ANOOP (MULAVANA)

RESPONDENTS: RESPONDENTS/COMPLAINANT AND STATE:-

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1. AJISH CHANDRAN,
KALARTHIYIL VEEDU, MALAYALAPUZHA- THAZAM,
KOZHENCHERRY TALUK, PATHANAMTHITTA DISTRICT.

2. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
ERNAKULAM.

R2 BY PUBLIC PROSECUTOR SRI.C.M.KAMMAPPU.

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 12/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:-

K.R.Udayabhanu,J.

Crl.R.P.No.500 of 2007

Dated, this the 12th day of February, 2007

ORDER

The revision petitioner stands convicted for the offence under Section 138 of the Negotiable Instruments Act and sentenced, as modified by the learned Sessions Judge, to undergo simple imprisonment till the rising of the Court and to pay a compensation of Rs.50,000/- under Section 357(3) of the Code of Criminal Procedure and in default, to undergo simple imprisonment for three months.

2. The case of the revision petitioner is that the complainant was a collection agent of a chitty Company and the cheque was issued towards availing of a loan in 1997 and that the entire amount was paid. No evidence has been adduced by the revision petitioner and hence the version of the revision petitioner stands not established. I find no reason to disturb the concurrent findings of the Courts below. All the same, considering the plea of the counsel for the revision petitioner/accused, the revision petitioner is granted four months

time from today onwards to pay the amount of compensation. The revision petitioner shall appear before the Judicial First Class Magistrate-II, Pathanamthitta on 12.6.2007 to receive the sentence.

The revision petition is disposed of as above.

K.R.Udayabhanu
Judge

vku/-